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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/655,833	09/05/2003	Sonya Ann Curry	CM2694	7078

27752 7590 03/16/2007
THE PROCTER & GAMBLE COMPANY
INTELLECTUAL PROPERTY DIVISION
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EXAMINER

MOHANDESI, JILA M

ART UNIT	PAPER NUMBER
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3728

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/16/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/655,833

Applicant(s)

CURRY ET AL.

Examiner

Jila M. Mohandesi

Art Unit

3728

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on RCE 01/05/2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 21-23 and 26-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Procter & Gamble Company (GB 2 369 094) herein after Procter in view of Bacques et al. (US 6,264,034). Procter discloses a packaged product comprising: a plurality of flexible water soluble liquid-detergent-filled pouches; an outer container (box or tub with reclosable lid) for containing the liquid-detergent-filled pouches; wherein the outer container contains a plurality of flexible liquid-detergent-filled pouches whereby at least two or more of the flexible liquid-detergent-filled pouches are in mutual contact (see page 6, lines 16-26), and wherein the outer container further comprises a wrapping material (protective bag enclosing the pouches)

for avoiding or minimizing rupture of the flexible liquid-filled pouches when the outer container is subject to shock.

Procter discloses that the outer container can contain a plurality of pouches in a random orientation whereby at least two or more of the flexible pouches are in mutual contact, see page 6, lines 16-20. Procter does not appear to teach the wrapping material comprising a shrink/stretch-wrapping material and a corrugated cardboard cushioning material that is placed between the tub and the plurality of pouches for avoiding or minimizing rupture. Bacques '034 discloses a packaged product equipped with a shrinkable film (thermoplastic film 13) which is secured to it, intended for packing articles (such as medicine) to be delivered in variable numbers or volume without having to use ranges of packages whose storage would be costly. Bacques '034 also discloses a two-sided corrugated cardboard (14) which is placed between the packaging and the plurality of packing articles for providing better protection against damage during shipping and handling. See Figures 1-8 embodiments. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to make the plastic bag of Procter from shrink-wrapping as taught by Bacques '034 for better securing and holding the packing articles in the box/tub and protecting them against damage during shipping and handling.

It would have also been obvious to one of ordinary skill in the art at the time the invention was made to provide a cardboard cushioning material to the box/tub of Procter as taught by Bacques '034 for better protecting the pouches therein.

4. Claims 24-25 and 30-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over the above references as applied to claims 21 and 26 above and further in view of Dull et al. (5,645,169). Procter as modified above discloses all the limitations of the claims except it is silent about how the tub is made. Dull '169 discloses a packaged product comprising: a plurality of flexible water soluble liquid-filled pouches; wherein the outer container can be made according to any known manufacturing processes such as injection molding or any other material and production techniques; wherein the outer container contains the plurality of flexible liquid-filled pouches whereby at least two or more of the flexible liquid-filled pouches are in mutual contact, and wherein the outer container further comprises means for avoiding or minimizing rupture (corrugated cardboard cushioning outer sleeve 30) of the flexible liquid-filled pouches when the outer container is subject to shock. See Figures 1-15 embodiments. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to make the tub of Procter as an injection molded plastic tub as taught by Dull '169 for better protecting the pouches from environmental damage.

Furthermore, Dull '169 discloses the outer container can be made according to any known manufacturing processes such as injection molding or any other material and production techniques (see column 3, lines 23-31). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to make the tub of Procter from thermoformed material to make the tub lighter, since it has been held to be within the general skill of a worker in the art to select a known material on the

basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

Response to Arguments

5. Applicant's arguments with respect to claims 2136 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion


6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jila M. Mohandesi whose telephone number is (571) 272-4558. The examiner can normally be reached on Monday-Friday 7:30-4:00 (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu can be reached on (571) 272-4562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3728

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Jila M Mohandesi
Primary Examiner
Art Unit 3728

JMM
March 09, 2007